

ADM-11.29, "Employee Record Maintenance and Confidentiality of Information" July 1, 2004

SCDC POLICY/PROCEDURE

NUMBER: ADM-11.29

TITLE: EMPLOYEE RECORD MAINTENANCE AND CONFIDENTIALITY OF INFORMATION

ISSUE DATE: JULY 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL:ADMINISTRATION

SUPERSEDES: ADM-11.29 (February 1, 2001)

RELEVANT SCDC FORMS/SUPPLIES: S-22, 16-5

ACA/CAC STANDARDS:3-ACRS-1C-14, 3-ACRS-1C-15, 3-4065, 3-4066

STATE/FEDERAL STATUTES:

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE:To provide guidelines for the maintenance and confidentiality of employee files.

POLICY STATEMENT: The South Carolina Department of Corrections will maintain files and records on all Agency employees, including personnel, leave and attendance, payroll, medical, and training records (on CRT). Employee files will remain confidential and information will only be released to individuals other than the employee for duly authorized SCDC purposes or if a court of competent jurisdiction orders such disclosure. (3-ACRS-1C-14, 3-4065)

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SPECIFIC PROCEDURES:

1.PERSONNEL FILES:

1.1 Individual personnel files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Each file will include, but not be limited to, the following information:

- Original employment application, along with reference letters, academic credentials, employment recommendation(s), etc. ;
- Victim Witness notification(s);
- Correspondence directly related to the employees work record
- Approval(s) of Employee/Inmate Relative;
- Copies of all performance appraisals;
- Signed receipt of materials covered during Orientation and/or SCDC Basic Training (1-5 weeks); and
- Fingerprint card. (3-ACRS-1C-14, 3-4065)

1.2 The Division Director of Human Resources or designee will be responsible for the maintenance of all personnel files for all members of the Director's staff, Division Directors, Wardens, and institutional Human

Resource Managers. Personnel files for employees located in the central office/annex buildings will also be maintained by the Division Director of Human Resources or designee with two exceptions: personnel files for employees who are assigned to the Training Academy will be maintained at the Training Academy and personnel files for employees who are assigned to the Division of Construction and Maintenance, and the Division of Transportation will be maintained in the Division of Construction and Maintenance, and the Division of Transportation. All other active employee personnel files will be maintained by the Human Resource Manager or designated liaison at the institution and other office buildings where the employee is permanently assigned.

1.3 When an employee transfers to another location, his/her personnel file will be transferred.

2. LEAVE AND ATTENDANCE FILES:

2.1 Separate leave and attendance files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. These records will include all documentation required in SCDC Policy/Procedure ADM-11.08, "Employee Leave." (3-ACRS-1C-14, 3-4065)

2.2 The Division Director of Human Resources or designee will be responsible for the maintenance of all leave and attendance files for all members of the Director's staff, Division Directors, Wardens, and Human Resource Managers, and for all employees located in the Central Office/Annex Buildings. (There is one exception; leave and attendance files for employees who are assigned to the Training Academy will be maintained at the Training Academy.) All other active employee files will be maintained by the Human Resource Manager or designated record keeper at the institution or area where the employee is permanently assigned. The record keepers in these areas will be responsible for coordinating leave record activity with the Division of Human Resources. Exceptions are as follows: Administrative Lieutenant, Training Academy.

2.3 When an employee transfers to another location, his/her leave and attendance file will be transferred.

3. PAYROLL FILES:

3.1 Separate payroll files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Payroll records will include information regarding the employees benefits and all documentation required by SCDC Policy/Procedure ADM-11.03, "Employee Compensation," and SCDC Policy/Procedure ADM-11.31, "Position Classification." (3-ACRS-1C-14, 3-4065)

3.2 The Division Director of Human Resources or designee will be responsible for the maintenance of active payroll files for all SCDC employees.

4. MEDICAL FILES:

4.1 Separate medical files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Medical files will include documentation regarding the employees tuberculosis screening, pre-employment physical, emergency data card, etc. (3-ACRS-1C-14, 3-4065)

4.2 The Division Director of Human Resources or designee will be responsible for the maintenance of all medical files for all members of the Director's staff, Division Directors, Wardens, and Facility Human Resource Managers, and for all employees located in the Central Office/Annex Buildings with two exceptions: medical files for employees who are assigned to the Training Academy will be maintained at the Training Academy and medical files for employees who are assigned to the Division of Construction and Maintenance, and the Division of Transportation will be maintained in the Division of Construction and Maintenance and the Division of Transportation. All other active medical files will be maintained by the Human Resource Manager or designated individual at the institution or location where the employee is permanently assigned. The record keepers in these areas will be responsible for coordinating medical record activity with the Division of Human Resources.

4.3 When an employee transfers to another location, his/her medical file will be transferred.

5. TRAINING FILES:

5.1 Training files will be maintained electronically in the CRT. The Division of Training and Staff Development will be responsible for updating the electronic file. (NOTE: Prior to July 1, 1997, training files were maintained manually.)

5.2 Individual training files established on employees hired prior to July 1, 1997, will be stored at the individual work location and moved when the individual transfers from one work location to the next. (NOTE: These files will not be updated after July 1, 1997. Rather, any additional training the employee receives will be recorded as stated above in 5.1.)

6. DISCLOSURE OF INFORMATION: All inquiries or requests for information on active or inactive employees must be made to the Division Director of Human Resources or designee. Information may be provided as follows:

6.1 Information contained in employee records will be disclosed only to those managers of the Agency and other employees who have a duly authorized purpose. This purpose must be in relationship to the conduct of the Agency's mission and/or operations. Persons requesting such official employee records must conform to all safeguarding procedures established by the Division of Human Resources. (3-ACRS-1C-14, 3-4065)

6.2 Any person requesting information (other than those specified in Section 6.1 above, and 6.3 below) may submit a verbal or written request to the Division Director of Human Resources or designee during regular business hours (8:30 A.M. - 4:30 P.M., Monday through Friday). If the record is not available at the time a request is made, the Division Director of Human Resources or designee will notify the requestor in writing within five (5) working days to advise him/her of the circumstances and to set a reasonable date when the record will be available. Information that can be released upon request to persons other than those specified

in Section 6.1, above, or 6.3, below, includes the employees:

- date of hire;
- salary range;
- pay band and level;
- job title; and
- work location.

(NOTE: Additional information will only be released upon the written consent of the employee or if a court of competent jurisdiction orders such disclosure.)

6.3 The Division Director of Human Resources will approve any official job reference information released to prospective employers. The following information will be provided to prospective employers who submit a written request for information on a current or former employee, with or without the individuals signed release:

- date of hire;
- salary;
- pay band and level;
- job title;
- work location;
- eligibility for rehire, if applicable; and
- reason that the employee is no longer employed by the Agency, if applicable (e.g., resigned, resigned in lieu of termination [with reason for this action], termination [with reason for termination]).

6.4 The Department of Corrections will approve the release of any information in accordance with SCDC Policy/Procedure GA-02.04, "Freedom of Information Act Requests." Such information must only be provided and authorized by the Division Director of Human Resources or designee.

7. INFORMATION REVIEW/EXCLUSION/REMOVAL:

7.1 Employees will be permitted to review their official employee files upon verbal request to the Human Resource Manager or designated liaison to ensure that the file is current and to check for omissions or inaccuracies. If an employee believes his/her file contains inaccurate information or if information is missing from the file, the employee may submit a request for changes to the Employee Relations Branch, Division of Human Resources. The employee should attach copies of any documentation that may assist in correcting the file. The Division Director of Human Resources/designee will review this request and approve or disapprove the changes. (3-ACRS-1C-15, 3-4066)

7.2 Corrective action forms or documents related to official corrective actions, i.e., written warnings, reprimands with action, probation, suspensions, etc., may not be removed from an employees personnel file except as authorized by the Employee Relations Branch, Division of Human Resources. (See SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action.")

7.3 Special documentation not generally associated with normal work situations, i.e., investigations, outside criminal investigations, etc., will not be placed in the employees file unless specifically designated for inclusion by the Agency Director.

8. TRANSFERRING FILES: When a file is transferred due to an employees termination, resignation, request for review, or any other purpose, the transfer will be documented by the sender using SCDC Supply S-22, "File Transmittal Form."

9. INACTIVE EMPLOYEE FILES: When an employee is terminated, resigns, retires, or leaves the Agency for any other reason, his/her files must be immediately forwarded to the Division of Human Resources. All files, to include the employees personnel, leave and attendance, training, and medical files must be forwarded by staff of the appropriate area using SCDC Form 16-5, "Personnel Advice Form." (NOTE: Duplicate files must not be maintained by the losing area.) Inactive employee files will be maintained by the Division of Human Resources for the calendar year in which the employee ceases employment with the Agency. All other inactive employee files will be maintained in accordance with applicable guidelines established by the State Office of Human Resources and retention guidelines.

10. AUDITS: The Division Director of Human Resources or designee may conduct both annual and random audits to ensure that a current and complete employee file exists on all active employees.

11. DEFINITIONS: NONE

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.